

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Acequia de Jose Ferran
Subfile Nos. 431 & 432

MOTION FOR ORDER APPROVING AND ADOPTING
STIPULATION ON PRIORITY DATE
OF WATER RIGHTS UNDER ACEQUIA DE JOSE FERRAN

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), by and through its undersigned counsel, requests the Court to enter an Order approving and adopting the *Stipulation on Priority Date* filed February 4, 2009 (Doc. No. 9401) on the water rights in Subfiles 431 & 432 (Tracts 8.16A, 8.16B, 8.17 & 9.1) in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State, the Commissioners of the Acequia de Jose Ferran, and the owners of the water rights in Subfiles 431 & 432 (Jack Oldham, Candice Bone, Myron P. Simmons, Linda Oldham, Michael Trupiano, Martha Jo Trupiano, John M. Cranor, Catherine B. Cranor and R & C Family Trust) have entered into a stipulation on the priority date (1734) of the water rights in Subfiles 431 & 432 under the Acequia de Jose Ferran, a community ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed February 4, 2009 (Doc. No. 9401).

2. The Court should enter an Order that approves and adopts the *Stipulation on Priority*

Date filed February 4, 2009, and that revises the priority date included in the *Order* filed November 12, 1968 (Doc. No. 626), the original subfile order that adjudicated the water rights in Subfiles 431 & 432.

3. The Order approving and adopting the stipulation on the priority date of the water rights in Subfiles 431 & 432, and amending the *Order* filed November 12, 1968, should be entered as a final order subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

4. A proposed Order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, the State respectfully requests the Court to enter an Order that approves and adopts the *Stipulation on Priority Date* filed February 4, 2009, and that amends the *Order* filed November 12, 1968, to include a priority date of 1734 for the water rights in Subfiles 431 & 432.

FURTHER, the State requests that the Court enter the requested Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of April, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail addressed as indicated on the attached Service List.

/s/ Ed Newville
EDWARD G. NEWVILLE